



November 29, 1999

Ms. J. Middlebrooks
Assistant City Attorney
City of Dallas
2014 Main, Room 501
Dallas, Texas 75201

OR99-3413

Dear Ms. Middlebrooks:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 130614.

The Dallas Police Department (the “department”) received a request for all internal affairs and public integrity documents relating to three named individuals. You have submitted documents that you describe as being a representative sample of information.¹ You claim that it is excepted from public disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the information you submitted.²

Section 552.108(a)(2) of the Government Code excepts from required public disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]” You state that the requested information pertains to an investigation of an alleged theft that did not result in conviction or deferred adjudication. Based on your representation, we conclude that most of the requested information is excepted from disclosure under section 552.108(a)(2).

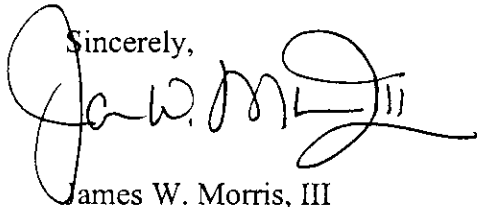
¹We note that the submitted information relates only to Officer Lawrence Price and that your letter states that “[a]ll other information will be released to the requestor.” We interpret this statement as a reference to requested information relating to the other individuals whom the requestor identified.

²In reaching our conclusion, we assume that the “representative sample” of records you submitted to this office is truly representative of the requested records as a whole. This letter does not reach any requested records that contain substantially different types of information than that submitted for our review.

We note, however, that section 552.108(a)(2) is inapplicable to the basic front page arrest and offense information held to be public in *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. -- Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). See Gov't Code § 552.108(c); Open Records Decision No. 127 (1976). The department must release the type of information that is considered to be basic front page information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "J.W. Morris, III". The signature is fluid and cursive, with a large initial "J" and "M".

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cwt

Ref: ID# 130614

Encl. Submitted documents

cc: Todd Bensman, Staff Writer
The Dallas Morning News
P. O. Box 655237
Dallas, Texas 75265
(w/o enclosures)